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Attorneys for Plaintiff Merrill Lynch, Pierce,  
Fenner & Smith Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Plaintiff Merrill Lynch, Pierce, Fenner & Smith, Incorporated (“Merrill Lynch”) filed a complaint against defendant William E. Fredrickson. Defendant Fredrickson did not file an answer or responsive pleading. Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(i), Merrill Lynch hereby dismisses with prejudice its complaint against defendant William E. Fredrickson.

Dated: August 2, 2007

GORDON-CREED, KELLEY,  
HOLL & SUGERMAN, LLP

By: /s/ Kevin J. Holl  
Kevin J. Holl  
Attorneys for Plaintiff

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I am a resident of the State of California, over the age of 18 years, and not a party to the  
within action. My business address is Gordon-Creed Kelly, Holl & Sugerman, LLP, 222 Kearny  
Street, Suite 650, San Francisco, California 94108.

On August 2, 2007, I served the within documents: **F.R.C.P. RULE 41 DISMISSAL**  
on the parties in the within action at the following email address: *bfredrickson@royalaa.com*

I declare under penalty of perjury under the laws of the United States of America that the  
above is true and correct.

Executed on **August 2, 2007**, at San Francisco, California.

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13                   /s/ *Linda J. Halperin*  
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